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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,870	05/03/2005	Jean-Jacques Damadian	040256-000100US	9279
6449	7590	09/21/2006		EXAMINER
ROTHWELL, FIGG, ERNST & MANBECK, P.C. 1425 K STREET, N.W. SUITE 800 WASHINGTON, DC 20005			TIBBITS, PIA FLORENCE	
			ART UNIT	PAPER NUMBER
			2838	

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/519,870	DAMLAMIAN ET AL.
	Examiner Pia F. Tibbits	Art Unit 2838

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 20 July 2006.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 26-38 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 26-35,37 and 38 is/are rejected.

7) Claim(s) 36 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 20 July 2006 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ .

5) Notice of Informal Patent Application (PTO-152)

6) Other: ____ .

DETAILED ACTION

This Office action is in answer to the amendment filed 7/20/2006. Claims 26-38 are pending and are amended.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "item of receiving equipment is adapted to be charged on the item of source portable equipment via said charger (10)" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter: "the second item of equipment is **chartered** via the first item of equipment", "to be

charged **on the item** of source portable equipment". See 37 CFR 1.75(d)(1) and MPEP § 608.01(o).

Correction is required.

Claim Objections

Claim 30 is objected to because of the following informalities: "the second item of equipment is **chartered** via the first item of equipment" lacks antecedence in the specification.

Claim 35 is objected to because of the following informalities: "to be charged **on the item** of source portable equipment" lacks antecedence in the specification.

Claim 36 is objected to because it is dependent upon claim 25 canceled in the amendment submitted 12/30/2004. Accordingly, the claim 36 has not been further treated on the merits.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 26-38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 26: The use of "**adapted to**" throughout the claims make the claim language ambiguous, and MPEP 2106 states that "Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation may raise a question as to the limiting effect of the language in a claim". Further, it has been held that the recitation that an element is "adapted to" perform a function in not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.

Claim 37: recites "a converter". However, claim 37 depends upon claim 26 that recites "a converter. To continue prosecution it was assumed that one converter is claimed, as described by the specification and drawings.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 26, 28-32, 35, 37 are rejected under 35 U.S.C. 102(e) as being anticipated by **Hansmann et al.** [7030517].

As to claim 26, Hansmann discloses a recharging device comprising a portable charger [see title, abstract, figures 1-5], said charger 14 comprising a connection to a source of electrical power ACV [see fig.2], a plurality of connection points C4, C5 for items of portable rechargeable equipment 8, 10, for different uses [see figures 2, 3], and an adapter 12, being powered by said source of electrical power and adapting it to provide recharging power for the items of portable rechargeable equipment 8,10 [see column 2, lines 59-64], said adapter 12 comprising a multi-voltage converter [see fig.4; column 2, line 66; column 3, lines 28-29, 65-67; column 4, lines 1-3] supplying voltages VDC V1, VDC V2, and currents 34, 36, adapted to said items of equipment to be recharged, said adapter adapting the charging power to the item of portable equipment as a function of a charging program supplied to said charger, the device further comprising a plurality of items of portable rechargeable equipment for different uses connected to said charger, the charger adapting a receiving item of portable equipment to a source item of portable equipment [see column 1, lines 6-9].

As to the microprocessor, it is an inherent function of the notebook to include a microprocessor, and MPEP 2100 states that the disclosure of a limitation may be expressed, implicit or **inherent**.

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As to claim 28, Hansmann discloses the items of equipment each have their own recharging program, VDC V1 and VDC V2.

As to claim 29, Hansmann discloses a first item of equipment/notebook 12 is connected to a second item of equipment 8, the first item of equipment/notebook connecting the second item of equipment 8 to the charger 14.

As to claims 30-32, 35, 37, see remarks and reference above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 27, 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hansmann**, as described above, in view of **Potega** [6495175].

As to claim 27, Hansmann does not disclose the charger is adapted to detect, and signal by a visual or aural signal, an incorrect status of a connection contact.

Potega discloses a charger including an internal logic that can be modified to react to detected battery charging in numerous ways, and alert a user (via a screen message on the laptop, perhaps an audible alarm, etc.), of charging batteries [see column 19, line 51; column 29, lines 10-13].

As to claim 38, Hansmann and Potega disclose wherein said items of equipment supply said charger or other items of portable equipment with their charging program by wireless link [see Potega '175, column 13, line 34].

Claims 33, 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hansmann**, as described above, in view of **Afzal et al.** [6903950].

As to claim 33, Hansmann does not disclose wherein the computer is adapted to download a charging program from the Internet.

Afzal discloses a programmable converter 10 including an interface 720 for interfacing between the different signaling types and transmission mediums, and the programming circuitry 715, where the converter 10 can be programmed via communication systems such as the Internet to deliver data, analog and/or digital, from an external source to the converter 10 [column 9, lines 25-31]. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Hansmann's apparatus and include a programmable converter 10, as disclosed by Afzal, in order to remotely communicate programs.

As to claim 34, Hansmann and Afzal disclose a USB type connector [see Afzal '950, column 7, line 22].

Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Hansmann**, as described above, in view of **Nguyen** [6664792].

As to claim 33, Hansmann does not disclose wherein the computer is adapted to download a charging program from the Internet.

Nguyen discloses in fig.1 a system, a laptop or notebook computer, a personal digital assistant, as well as any other type of portable electronic component, which is capable of operating on battery power that includes a processor 140, a memory 150, and input/output (I/O) device(s) 160. The processor 140, the memory 150, and the I/O devices 160 receive power via one or more power supply line(s) 137, and transfer information over a bus 145. The patent also discloses the portable computer systems often utilize hardware such as a System Management Controller (SMC) which communicates with various system batteries and components over a System Management Bus (SMBus) to manage power consumption. Further details regarding the SMBus protocol are available in the SMBus Specification, Revision 1.0, Feb.15, 1995, available from the Smart Battery System Implementer's Forum (on the Internet at the time of filing of the patent at www.sbs-forum.org). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Hansmann's

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apparatus and include Nguyen's teachings, in order to remotely communicate and download a charging program from the Internet site www.sbs-forum.org.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new grounds of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited in PTO-892 and not mentioned above disclose related apparatus: **Akermann et al.** [6137280] discloses universal power manager capable of power converting a universal range of unregulated power inputs into a high-resolution programmable regulated (constant) output voltage or a high-resolution programmable (constant) current and of charging and/or diagnosing standard battery chemistries with a universal range of unregulated AC and DC power inputs. It includes an extremely high resolution monolithic potentiometer of at least 512 positions. Preferably, two or more extremely high resolution monolithic potentiometers are used to create a high resolution resistance chain, each having at least 512 positions and at least one tap point set according to a user selected output voltage and/or current. Each potentiometer has a resultant tap point selected by an analog switch in accordance with a user selected output that determines overall resistance in the resistance chain, the output voltage being proportional to the overall resistance. A microprocessor with embedded control

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software controls the tap points and selection thereof in accordance with user selections. A current sense circuit and feedback loop is included for generating a current output in response to the current through the current sense circuit.

Bork [6255800] discloses a Bluetooth enabled mobile device charging cradle and system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Pia Tibbits whose telephone number is 571-272-2086. If unavailable, contact the Supervisory Patent Examiner Karl Easthom whose telephone number is 571-272-1989. The Technology Center Fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PFT

September 16, 2006

Pia Tibbits

Primary Patent Examiner

A handwritten signature in black ink, appearing to read "Pia Tibbits", is positioned to the right of the typed name and above the typed title "Primary Patent Examiner".